

UNITED STATES DISTRICT COURT
for the
Southern District of Indiana

United States of America
v.
KENYA DAKE, aka "Kenya Bennett,
aka "Kenya Beesley"

Case No.
1:19-mj-0917

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 21, 2013 - August 19, 2019 in the county of Marion in the
Southern District of Indiana, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 1343 (Counts 1-7)
18 U.S.C. § 1957 (Counts 8-9)

Wire Fraud
Money Laundering

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.



Complainant's signature

J.J. De St. Jean, Postal Inspector

Printed name and title

Sworn to before me and signed in my presence.

Date: 10/01/2019



Judge's signature

City and state: Indianapolis, IN

Debra McVicker Lynch, U.S. Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF
APPLICATION FOR CRIMINAL COMPLAINT**

I, J.J. De St. Jean, Postal Inspector, United States Postal Inspection Service, after being first duly sworn, depose and state the following:

I. INTRODUCTION AND AGENT BACKGROUND

1. **Introduction.** I make this affidavit in support of an Application for a Criminal Complaint for **KENYA DAKE, a/k/a “Kenya Bennett,” a/k/a “Kenya Beesley,”** for violations of 18 U.S.C. §§ 1343 (wire fraud) and 1957 (money laundering).

2. **Your Affiant.** I am a Postal Inspector with the United States Postal Inspection Service (“USPIS”) currently assigned to the Indianapolis Domicile. I am presently assigned to investigate complex financial fraud and other white collar criminal matters that involve the use of the U.S. Mail. I have been an Inspector with the USPIS for 11 years. Prior to becoming a Postal Inspector, I was a Gary Indiana Police Officer for two and a half years. During my tenure as a Postal Inspector, I have conducted and participated in numerous investigations of criminal activity, including, but not limited to, the investigation of narcotics, mail theft, wire and mail fraud, bank/access device fraud, money laundering, identity theft, and child pornography violations. During the investigation of these cases, I have executed or participated in the execution of numerous search warrants, arrest warrants, and seized evidence of varying violations of both state and federal law.

3. **Sources of Information.** The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents, witnesses, and other sources discussed herein. This affidavit is intended to show merely that there is sufficient

probable cause for the requested Criminal Complaint and does not set forth all of my knowledge about this matter.

II. THE CHARGES

4. Based on the facts set forth in this affidavit, there is probable cause to believe that the Defendant, **KENYA DAKE, a/k/a “Kenya Bennett,” a/k/a “Kenya Beesley,”** a resident of Indianapolis, Indiana, with date of birth XX/XX/1969, committed the following federal offenses within the Southern District of Indiana and elsewhere:

5. *Counts 1–7, Wire Fraud, 18 U.S.C. § 1343.* On or about May 21, 2013, and continuing until at least on or about August 19, 2019, within the Southern District of Indiana and elsewhere, **KENYA DAKE, a/k/a “Kenya Bennett,” a/k/a “Kenya Beesley,”** did knowingly and with intent to defraud, devise a scheme and artifice to defraud Company A, and to obtain money and property from Company A by means of materially false and fraudulent pretenses, representations, and promises, knowing that such pretenses, representations, and promises were false and fraudulent when made, in which she made or caused to be made multiple interstate wire communications to take place for the purpose of carrying out the fraudulent scheme described herein, examples of which are set forth below as Counts 1–7:

Count	Approximate Date	Description
1	June 7, 2013	Transfer of funds from Company A via Bill.com (based in California) to JP Morgan Chase Bank (based in New York) account number ending in -6327 belonging to DAKE in the amount of \$517.75.
2	March 12, 2014	Transfer of funds from Company A via Bill.com (based in California) to JP Morgan Chase Bank (based in New York) account number ending in -6327 belonging to DAKE in the amount of \$128.54.
3	January 23, 2015	Transfer of funds from Company A via Bill.com (based in California) to JP Morgan Chase Bank (based in New York) account number ending in -6327 belonging to DAKE in the amount of \$1,077.73.

4	July 28, 2016	Transfer of funds from Company A via Bill.com (based in California) to JP Morgan Chase Bank (based in New York) account number ending in -6543 belonging to DAKE in the amount of \$8,885.10.
5	August 29, 2017	Transfer of funds from Company A via Bill.com (based in California) to JP Morgan Chase Bank (based in New York) account number ending in -6543 belonging to DAKE in the amount of \$5,000.00.
6	August 29, 2018	Transfer of funds from Company A via Bill.com (based in California) to JP Morgan Chase Bank (based in New York) account number ending in -6543 belonging to DAKE in the amount of \$9,850.00.
7	May 13, 2019	Transfer of funds from Company A via Bill.com (based in California) to JP Morgan Chase Bank (based in New York) account number ending in -9852 belonging to DAKE in the amount of \$8,000.00.

6. **Elements of Wire Fraud (18 U.S.C. § 1343):**

FIRST: That the defendant knowingly devised or participated in a scheme to defraud;

A “scheme to defraud” is a scheme that is intended to deceive or cheat another and to obtain money or property or cause the potential loss of money or property to another by means of materially false or fraudulent pretenses, representations, or promises.

SECOND: That the defendant did so with the intent to defraud;

THIRD: The scheme to defraud involved a materially false or fraudulent pretense, representation, or promise; and

FOURTH: That for the purpose of carrying out the scheme or attempting to do so, the defendant caused interstate wire communications to take place or used or caused the use of the United States Mails or a private or commercial interstate carrier to take place.

7. **Counts 8–9, Money Laundering, 18 U.S.C. § 1957.** On the dates specified below, within the Southern District of Indiana and elsewhere, **KENYA DAKE, a/k/a “Kenya Bennett,” a/k/a “Kenya Beesley,”** did knowingly engage and attempt to engage in a monetary transaction by, through, or to a financial institution, affecting interstate and foreign commerce, in criminally

derived property of a value greater than \$10,000, as described in each of the enumerated Counts below, such property having been derived from a specified unlawful activity, that is, Wire Fraud, in violation of Title 18, United States Code, Section 1343:

Count	Approximate Date	Description
8	June 28, 2019	Check number 3000 from Kenya M Bennett to Penske Honda from JP Morgan Chase account number ending in -9852 for the purchase of a 2019 Honda CRV.
9	February 19, 2019	Purchase of JP Morgan Chase Bank Certificate of Deposit account ending in -9957 in the amount of \$50,000 with funds from JP Morgan Chase Bank account number ending in -6543.

8. Elements of Money Laundering (18 U.S.C. § 1957)

- FIRST: The defendant engaged or attempted to engage in a monetary transaction; and
- SECOND: That defendant knew the transaction involved criminally derived property; and
- THIRD: The property had a value greater than \$10,000; and
- FOURTH: The property was derived from Wire Fraud; and
- FIFTH: The transaction occurred in the United States.

III. PROBABLE CAUSE

Background

9. **Company A** is an Indianapolis-based business that provides consulting services to companies, governmental entities, and non-profit organizations. On September 30, 2019, investigators interviewed Company A's founder and owner. In addition to consulting services, Company A assists organizations in securing federal grants. Company A's website states that it has secured over \$277 million in grants for its clients.

10. **Kenya DAKE, a/k/a “Kenya Bennett,” a/k/a “Kenya Beesley,”** is a female with date of birth XX/XX/1969. Information from the Indiana Bureau of Motor vehicles showed her residence as 1822 Trails Run Ct, Indianapolis, IN 46217-4668 (one of the Subject Premises). Other law enforcement databases show her to have also gone by the name of “Kenya Bennett” and “Kenya Beesley.” Indiana BMV records also show that the 2019 Honda CR-V VIN 2HKRW2H86KH622524 is registered to DAKE.

11. DAKE has worked for Company A since June 2012. According to the Indiana Secretary of State’s website regarding Company A, “Kenya Bennett” has been the filer of Company A’s Indiana Business Entity Reports on March 20, 2014, January 21, 2016, and November 6, 2017. On those reports, her title was listed as “manager.”

12. According to Company A’s owner, DAKE served as Company A’s controller and office manager. She earned an approximately \$80,000 salary. As controller, DAKE was responsible for paying vendors, processing payroll, managing accounts payable/receivable, and maintaining the business’s financial books and records. DAKE had access to Company A’s bank accounts and was able to make payments to vendors through “Bill.com.” (According to its website, Bill.com provides back-office business services such as online bill payment and invoicing.)

13. Company A’s owner stated that DAKE was the employee with primary access and control over Company A’s finances and financial ledgers. He stated she updated the financials even while on vacation. She was responsible for producing Company A’s financial statements, which would be provided to banks, Company A management, and Company A’s outside accounting firm.

DAKE’s Bank Account Records

14. In August 2019, investigators obtained records for banking and credit card accounts held in DAKE’s name and/or held jointly with her ex-husband, William M. Bennett. (DAKE and

Bennett recently divorced, on or about August 9, 2019.) Among other records, investigators obtained the prior seven years of available records for DAKE's/Bennett's accounts with JP Morgan Chase Bank (headquartered in New York) with account numbers ending in **-6327**, **-6543**, and **-9852**.

15. According to these records, beginning on or about May 21, 2013, and continuing into August 2019, when the records were requested, each of these three accounts received money from Company A via electronic funds transfers (in addition to receiving DAKE's regular payroll direct deposits, which the records also showed). Altogether, the deposits to DAKE's accounts from Company A totaled approximately \$482,000.

16. At first, the non-payroll ACH transfers appeared to come directly from Company A. The transaction description for the first three transfers, which took place in mid-2013, read in part "[Company A]." The total paid to her in those three ACH transactions was approximately \$900.

17. **Account -6327.** After those first three transactions, however, records show that the transfers from Company A to DAKE's accounts were processed through "Bill.com." On or about July 29, 2013, account ending in **-6327** received a "verify" deposit from Bill.com, in which a small amount of money (less than \$1.00) was transferred to the account and then immediately withdrawn back to Bill.com, for the purpose of "verifying" the link to account **-6327**. The transaction description read in part "[Company A acronym] AR verify." (In my training and experience, I know that such "verify" transfers are common industry practice when using online payment services.) Following the verification, account **-6327** began receiving funds transfers with a transaction description that read in part "[Company A acronym] Bill Com." Between approximately August 9, 2013 and July 19, 2016, account **-6327** received 21 such transfers totaling \$5,572.20.

18. **Account 6543.** Then, on or about July 26, 2016, and on several dates afterwards, DAKE's account **-6543** received small deposits with the transaction description of "[Company A acronym] verify." Going forward, between approximately July 28, 2016 and March 28, 2019, account **-6543** received 51 deposits with a transaction description that read in part "[Company A acronym] Bill Com." During that period, such deposits into account **-6543** totaled \$376,604.10. (During the same period, there were 3 additional deposits into **-6327** from "[Company A acronym] Bill Com" for a total of \$1,412.96.)

19. **Account -9852.** On or about April 2, 2019, account **-9852** received a small deposit with the transaction description of "[Company A acronym] verify." Going forward, between approximately April 5, 2019 and August 15, 2019, account **-9852** received 14 deposits with a transaction description that read in part "[Company A acronym] Bill Com." During that period, such deposits into account **-9852** totaled \$94,800.00. (During the same period, there was 1 additional deposits into **-6327** from "[Company A acronym] Bill Com" for a total of \$487.00.)

Records from Bill.com

20. Records from Bill.com showed that the Company A payments to DAKE's accounts purported to be related to payments to one of three "vendors": "Indiana Career Association Inc.", "Franchise Tax Board", and "TBNS."

21. Investigation into each of these purported vendors indicated that they do not exist. Regarding "Indiana Career Association Inc.," a search of the Indiana Secretary of State's "Business Search" revealed no registered entity in Indiana called "Indiana Career Association Inc." Additionally, open and closed source databases available to law enforcement agents revealed no results for the existence of "Indiana Career Association Inc." Additionally, the Bill.com records showed an address associated with Indiana Career Association of "1210 N. Ohio St, Indianapolis, IN 46202." According to the U.S. Postal Service, the address "1210 N. Ohio St, Indianapolis, IN

46202” does not exist. Ohio Street has an east or west address and therefore will not have an “N” for north in the address. Further, searches for “1210 E Ohio Street” and “1210 W Ohio Street” revealed that those are not valid addresses in Indianapolis, and in any event, would be located in residential areas.

22. As for “Franchise Tax Board” and “TBNS,” a search of the Indiana Secretary of State’s “Business Search” revealed no registered entity in Indiana called “Franchise Tax Board” or “TBNS.” Additionally, open and closed source databases available to law enforcement agents revealed no results for the existence of “Franchise Tax Board” (outside of governmental entities) or “TBNS.”

Information from Company A

23. As noted above, Company A’s owner was interviewed on September 30, 2019. First, Company A’s owner stated he had no knowledge of non-payroll Company A payments to DAKE, that such payments were not authorized, and that such payments would have had to have been authorized by him. Second, Company A’s owner stated that he was not aware of vendors named “Indiana Career Association Inc.,” “Franchise Tax Board,” or “TBNS.”

Use of Funds from Company A

24. In total, between mid-2013 and mid-2019, the three accounts associated with DAKE (-6327, -6543, and -9852) received from Company A via Bill.com approximately \$482,000. Since mid-2017 alone, the deposits into DAKE’s accounts from Company A via Bill.com totaled approximately \$420,000, an average of approximately \$17,500 per month.

25. The bank records for DAKE’s accounts **-6327**, **-6543**, and **-9852** showed that the money deposited from Company A through Bill.com constituted the majority of the deposits into those accounts between August 2017 and August 2019. Specifically, during that period, all

deposits totaled approximately \$695,000, and of that, the Company A monies totaled approximately \$420,000. Of the remainder, approximately \$70,000 came from multiple deposits of significant sums of U.S. currency in 2019—albeit always less than \$10,000 (the amount at which a bank must file a currency transaction report). Only approximately \$180,000 came from deposits associated with payroll.

26. The bank records showed that the money deposited from Company A through Bill.com was spent for personal use or investment. In addition to paying for what appeared to be routine living expenses (e.g., meals, groceries, and clothing), the funds were used to fund significant cash withdrawals, multiple trips to Aruba, a vehicle, jewelry, and a certificate of deposit.

27. ***Trips to Aruba.*** DAKE's credit card records showed that, during the two years from August 2017 to August 2019, there were expenses related to at least eight trips to the "Manchebo Beach Resort Aruba," which cost between \$1,000–\$2,000 per occasion. The records further showed that the credit card charges related to these trips were typically paid within a month of DAKE's accounts receiving funds from Company A, often within days of receiving the funds.

28. ***2019 Honda CRV.*** On or about June 28, 2019, DAKE wrote a check on account -9852 for \$32,967.38 to "Penske Honda" for the purchase of a "2019 Honda CRV." Records show that DAKE in fact purchased a 2019 Honda CRV with VIN 2HKRW2H86KH622524. In the three months leading up to June 28, 2019, account -9852 received \$47,500 from Company A via Bill.com transactions. During the same period, another \$67,500 in U.S. Currency was deposited into account -9852 on 8 separate occasions, always less than \$10,000 per deposit. All other deposits into account -9852 during that period totaled only approximately \$5,700. Accordingly, there is probable cause that the 2019 Honda CRV was purchased with proceeds of the scheme described herein.

29. ***Jewelry.*** On or about June 19, 2019, a credit card in DAKE's name ending in -7785 was used to make a purchase of \$9,571.15 from "Brilliant Earth LLC . . . CA". (According to its website, Brilliant Earth is a jewelry company based in San Francisco, California.) On June 29, 2019, a payment of \$10,417.14 was made to credit card -7785 from DAKE's bank account -9852. As described above regarding the purchase of the 2019 Honda CRV, the bulk of the funds in account -9852 at the time of the credit card payment were from either Company A via Bill.com or cash deposits. Accordingly, there is probable cause that the jewelry was purchased with proceeds of the scheme described herein.

30. ***Certificate of Deposit.*** On or about February 19, 2019, DAKE purchased a certificate of deposit ("CD") from JP Morgan Chase Bank in the amount of \$50,000. (The CD was given an account number ending in -9957.) The CD was purchased using funds from DAKE bank account ending in -6543. In the three months preceding the CD purchase, account -6543 received approximately \$70,000 in deposits from Company A via Bill.com. During the same period, account -6543 received only approximately \$7,000 in other deposits, most of which were transfers from DAKE account -6327, to which she had previously transferred funds from -6543, which were sources from Company A via Bill.com. Accordingly, there is probable cause that the CD was purchased with proceeds of the scheme described herein.

31. ***Cash Withdrawals.*** Bank records for DAKE's accounts -6327, -6543, and -9852 show that between August 2017 and August 2019, withdrawals of cash totaled at least \$179,000. The majority of these cash withdrawals took place within several days of receiving funds from Company A via Bill.com.

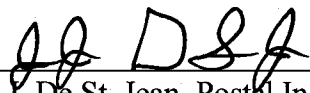
CONCLUSION

32. Based on the aforementioned facts, there is probable cause to believe that beginning on or about May 21, 2013, and continuing until at least on or about August 19, 2019, **KENYA DAKE, a/k/a "Kenya Bennett," a/k/a "Kenya Beesley,"** committed Wire Fraud in violation of Title 18, United States Code, Section 1343, as alleged herein and in Counts 1 through 7, and Money Laundering, in violation of Title 18, United States Code, Section 1357, as alleged herein and in Counts 8 through 9.

33. Therefore, I respectfully request that the Court issue the Criminal Complaint charging **KENYA DAKE, a/k/a "Kenya Bennett," a/k/a "Kenya Beesley,"** accordingly, and issue a Warrant for her arrest.


FURTHER YOUR AFFIANT SAYETH NAUGHT.

Respectfully submitted,



J.J. De St. Jean, Postal Inspector
United States Postal Inspection Service

Subscribed and sworn to before me October 1, 2019



HON. DEBRA MCVICKER LYNCH
United States Magistrate Judge
Southern District of Indiana